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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,339	12/15/2000	Rabindranath Dutta	AUS920000505US1	9180

24033	7590	08/30/2004

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EXAMINER
NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/737,339	DUTTA ET AL.
	Examiner	**Art Unit**	
	CUONG H. NGUYEN	3625	\

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-11 and 14-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-11 and 14-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *12/04/01*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Status of the Claims

1.   Claims 1-6, 9-11, 14-16 are elected on 4/30/2004 by Mr.

David W. Victor (Reg.# 39,867) for examination.

Drawings

2.   This application has been filed with 5 figures of drawings

(4 pages) which currently are acceptable for examining purposes.

Priority

3.   Acknowledgment is made of applicant's claim for priority

based on 371© 12/15/2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office Action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

4.   **Independent claims 1, 9, and 14 are rejected under 35**

U.S.C. 103(a) as being unpatentable over Microsoft Corporation

"How to write and use ActiveX control…", in view of Flexi

International's article titled "Flexi Web Strategy Targets

ActiveX First, Java Maybe".

As best interpretation, FlexiInternational teaches about an

application of Microsoft® ActiveX® software on a client computer

for transferring content in a Web environment (see Flexi

International, page 1 - lines 22-23 "ActiveX will provide the ability to download just the components that are needed. The objects will also persist on the desktop after the session, " ActiveX is able to transfer/receive data to communicate to other downloading content regardless of the language in which the components were created (see "How to write…", page 1 - paragraph 5).

Flexi International does not expressly disclose a system for transferring data from a first server through a client, comprising a second server; a network interface (an ActiveX control) allowing the second server to communicate with the client; program logic implemented in a computer readable memory capable of causing the second server to perform:(i) in response to a request, transmitting a first page to the client computer, wherein the first page activates a program in the client computer to cause the client computer to transmit transfer data to the second server, wherein the client computer accesses the transfer data from a second page the client computer downloads and displays from the first server, and wherein the program further causes the client computer to display the transfer data from the second page with the content from the first page; however, these are obvious functions of Microsoft ActiveX Controls (see Microsoft Corp. "How to write and use ActiveX

Controls…"); and Microsoft's ActiveX also provides receiving the transfer data from a client's computer.

It would have been obvious to one of ordinary skill in the art at the time of invention from using Microsoft ActiveX Controls to implement Flexi International's application of ActiveX for Object-Linking and Embedding by inserting ActiveX Controls into its web page for the benefit of using a control to read its host page and down-loading to modify all elements in that page at any time.

B. **As for dependent claims 2, 11, and 16:**

The rationale and reference for above rejection of claim 9 are incorporated.

As best interpretation, FlexiInternational teaches about an application of ActiveX program, in response to user input at a client computer, issues a request to download (see Flexi International, page 1 - lines 22-23 "ActiveX will provide the ability to download just the components that are needed. The objects will also persist on the desktop after the session, ") and display a second page from a first server including transfer data (see "How to Write and Use ActiveX Controls.., page 3 of 6, section "Using ATL", wherein the program displays the transfer data with the content from the first page by Object-Linking and Embedding (OLE), (see "How to Write and Use ActiveX Controls.., page 1 of 6, section "Introducing ActiveX Controls".

C. **As for dependent claims 5, 10, and 15:**

The rationale and reference for above rejection of claim 22 are incorporated.

Flexi International obviously teaches that transfer data is written/downloaded to a client computer, and wherein the program ActiveX activated in the client computer reads the transfer data from the memory location (see "How to Write and Use ActiveX Controls...", page 2 of 6, section "**Just-in-time activation.**" and see Flexi Web Strategy..., page 1 of 2, lines 22-23 "...The object will also persist on the desktop after the session").

Flexi International's ActiveX application is also capable of using 1st program to access/control the transfer data (see "How to Write and Use ActiveX Controls...", page 1 of 6, section "**Introduction**".

D. **As for dependent claim 3:**

The rationale and reference for above rejection of claim 1 are incorporated.

As best interpretation, FlexiInternational teaches that: "Microsoft ActiveX Controls will provide the ability to download just the components that are needed":

Microsoft's ActiveX Controls also sufficiently performs below claimed steps (see Microsoft "How to write and use ActiveX controls for Microsoft Windows...", page 2 of 6, para.7to para. 10).

-       activating a first program in response to processing the first page;

-       receiving user input selection to access the transfer data with the first program,

wherein the first program issues a request to download and display the content from the

second server including the transfer data; and

-       activating a second program in response to processing the second page, wherein

the second program communicates the transfer data to the first program, and wherein the

first program displays the transfer data with the content from the first page.

E. As for dependent claim 4:

The rationale and references for above rejection of claim 3

are incorporated.

As best interpretation, Flexi International obviously

teaches about using Microsoft ActiveX Controls to receiving user

input selection to cause a second program to communicate

transfer data to a first program (see "How to write and use

ActiveX controls for Microsoft Windows…", page 1 of 6, section

"Introducing ActiveX Controls").

F. As for dependent claim 6:

The rationale and references for above rejection of claim 3

are incorporated.

As best interpretation, FlexiInternational teaches about an

application of Microsoft ActiveX Controls wherein first and

second pages (of Web downloaded files) include code to activate

the first and second programs, respectively (see Microsoft "How

to write and use ActiveX Controls for Microsoft Windows…", page

1 of 6, lines 18-29).

It would have been obvious to one of ordinary skill in the

art at the time of invention to implement Microsoft Corp.'s

ActiveX with above application of Flexi International for a

benefit of saving time and resources for not creating an extra

window for ActiveX Control software until it is activated by a

user.

5.   Any inquiry concerning this communication or earlier

communications from the examiner should be directed to CUONG H.

NGUYEN whose number is 703-305-4553. The examiner can normally

be reached on 7am-3:30 pm.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's acting supervisor, JEFFREY A. SMITH

can be reached on 703-308-3588. The fax phone number for the

organization where this application or proceeding is assigned is

703-305-7687.

Any inquiry of a general nature or relating to the status

of this application or proceeding should be directed to the

receptionist whose telephone number is 703-746-5572.

Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval
(PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status
information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system,
see http://pair-direct.uspto.gov. Should you have questions on
access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any
amended or new claim in an effort to help advance prosecution;
otherwise any new claim language that is introduced in an
amended or new claim may be considered as new matter, especially
if the Application is a Jumbo Application.

CUONG H. NGUYEN
Primary Examiner
Art Unit 3625